

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

SUZETTE HAMER,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action
	§	No. C-07-93
EWING CONSTRUCTION CO., INC.,	§	
	§	
Defendant.	§	

**ORDER**

Defendant Ewing Construction Co., Inc. filed a motion requesting this Court to exercise supplemental jurisdiction over certain state law claims allegedly brought by Plaintiff Suzette Hamer (D.E. 2).

Plaintiff originally filed this case on February 7, 2007, in the County Court at Law No. 2 of Nueces County, Texas. On February 26, 2007, on the basis of federal question jurisdiction, Defendant removed the case to this Court (D.E. 1, Notice of Removal).

Defendant now indicates that Plaintiff filed her First Amended Original Petition in state court on the same day that Defendant removed this case: February 26, 2007. (Motion, ¶ 3).<sup>1</sup> However, Plaintiff's First Amended Original Petition is not currently before this Court.<sup>2</sup> The Court cannot rule on Defendant's motion regarding

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<sup>1</sup>Defendant now asks this Court to take supplemental jurisdiction over state law claims that Defendant says are included in Plaintiff's First Amended Original Petition.

<sup>2</sup>From the available record, it is not possible to determine if Plaintiff's First Amended Original Petition was filed in state court before or after the time Defendant removed the case to this

supplemental jurisdiction when the only operative pleading before the Court is Plaintiff's Original Petition. In the event Plaintiff's amended pleading is properly filed in the above-styled action, if appropriate, the Court will exercise supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367, without any further action taken by Defendant.

SIGNED and ENTERED this 6th day of March, 2007.

A handwritten signature in black ink, reading "Janis Graham Jack", is positioned above a horizontal line.

Janis Graham Jack  
United States District Judge

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Court (per the Public Access to Court Electronic Records system, Defendant's notice of removal was filed at 3:24 p.m.). If Plaintiff's First Amended Original Petition was filed in state court after Defendant had already filed its notice of removal, then Plaintiff did not successfully file her amended pleading, and the only operative petition in this case is Plaintiff's Original Petition.